

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

MICHAEL SUTTON,

Plaintiff,

No.: 03-2576-DV

v.

ST. JUDE MEDICAL, INC., and  
ST. JUDE MEDICAL S.C., INC.,

Defendants.

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**STIPULATED ORDER OF VOLUNTARY DISMISSAL WITH PREJUDICE**

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Plaintiff and defendants, through their respective counsel, hereby stipulate and agree as follows:

1. Plaintiff agrees to dismiss the entire action with prejudice. Because plaintiff has pled certain claims in the Complaint as a putative class action, the parties seek Court approval for dismissal pursuant to Federal Rule of Civil Procedure 23 (e) and 41 (a)(1).

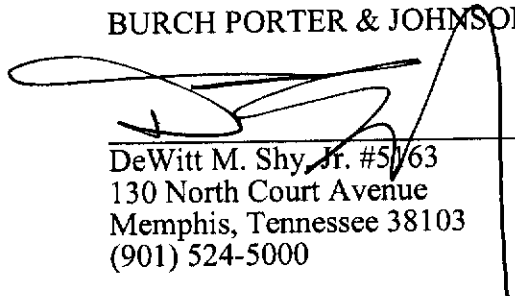
2. Because there is no evidence of collusion between the parties to this stipulation and absent putative class members will not be prejudiced, notice to the absent putative class members is not necessary. *In re Nazi Era Cases*, 198 FRD 429, 441-42 (D.N.J. 2000); *Anderberg v. Masonite Corp.*, 176 FRD 682, 689 (N.D. Ga. 1997). Putative class members are not bound by any proceedings in a purported class action prior to a ruling on class certification. *In re Bridgestone/Firestone, Inc.*, 333 F.3d 763 (7th Cir. 2003).

3. Accordingly, the parties request that the Court enter an Order dismissing this action.

4. Each party shall bear its own costs and attorneys' fees in this action, and the parties stipulate and agree that there will be no "prevailing party" in this action as a result of this dismissal.

Dated: December 27, 2005

BURCH PORTER & JOHNSON, PLLC




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Counsel for Defendants  
St. Jude Medical, Inc. and  
St. Jude Medical S.C., Inc.

Dated: December 1, 2005

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BY:



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Counsel for Plaintiff

**ORDER**

The Court, having considered the Stipulation between the parties, Orders the above-captioned action dismissed, with prejudice, each party to bear its own costs and attorneys' fees.

Dated: 1-5-2006

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/S/ Judge Benice Bouie Donald  
United States District Court